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Elliot Lee Klosterman

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HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

HUNTSINGER, PETER K

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/871,751

Applicant(s)

KLOSTERMAN, ELLIOT LEE

Examiner

Peter K. Huntsinger

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filled on 24 May 2005 has been entered in full.

### *Response to Argument*

2. Applicant's arguments filled on 24 May 2005 regarding claims 1, 3, 4, and 6-20 have been fully considered but they are not persuasive.

On page 1 of the remarks referring to claims 1-8, applicant argues in substance that:

3. **Sasaki does not teach a printer driver provided to the host device**
  - a. Examiner respectfully disagrees. A printer driver disposed in a printer is an essential component of printers. It is inherent that the printer of Sasaki includes a printer driver within the printer that is provided to the host device for communication with the printer.

On pages 1 and 2 of the remarks referring to claims 9-20, applicant argues in substance that:

4. **The interpreter-identification data of Sasaki is not program logic nor is it used to drive the printer**

- b. Examiner respectfully disagrees. The interpreter-identification data of Sasaki contains instruction indicating which printer language to select (col. 5-6,

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lines 66-67, 1-11). This, according to the applicant's definition of computer logic within the specification, represents data and instructions, which cause the computers and peripheral devices to operate in a specific and predefined manner. Further, according to the standard definition within the art, a program is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result. The interpreter-identification data is used to select the printer driver. Therefore, the printer is driven cooperatively using the printer driver and the interpreter-identification data (col. 9, lines 49-65).

5. Applicant's arguments filed on 24 May 2005 regarding claims 1, 2, and 5 as anticipated by Yu have been fully considered but they moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Yu U.S. Patent 6,707,568.

Referring to claim 1, Yu discloses a printing system comprising: a host module (computer 3 of Fig. 3, col. 3-4, lines 66-67, 1-4) for initiating a communication from a host device, said host module having a first program (Filter 20 of Fig. 3, col. 3, lines 59-62); and a rendering module (printer driver within the printer) disposed in a printer (printer 6 of Fig. 3, col. 4, lines 36-39). It is inherent that the printer of Yu includes a printer driver within the printer that is provided to the host device for communication with the printer. The filter and the printer driver within the printer corporately communicate to control the printer (col. 4, lines 39-42).

Referring to claim 2, Yu discloses the system of claim 1, wherein said host module enables loading of said rendering module into said host device (col. 1, lines 24-25).

8. Claims 1, 3, 4, 7, 9, 11, 12, 14, 16, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki U.S. Patent 5,228,118.

Referring to claim 1, Sasaki discloses a printing system comprising: a host module for initiating a communication from a host device, said host module having a first program (printer driver, col. 3, lines 34-41); and a rendering module (printer driver within the printer) disposed in a printer (LP of Fig. 4, col. 5, lines 16-19). It is inherent that the printer of Sasaki includes a printer driver within the printer that is provided to the

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host device for communication with the printer. The printer driver within the host device and the printer driver within the printer corporately communicate to control the printer.

Referring to claim 3, Sasaki discloses the system of claim 1, wherein said host device comprises a computer (PC, col. 5, lines 11-14).

Referring to claim 7, Sasaki discloses the system of claim 1, wherein said rendering module is configured to optimize a rendering process for the specific printer from which said rendering module is provided (col. 7-8, lines 65-68, 1-10). Sasaki discloses permitting the operator to select a desired driver, which optimizes the rendering process for the printer.

Referring to claim 9, Sasaki discloses a method for dynamically creating a driver comprising: initiating a communication from a host device to a peripheral device, said host device including a first program logic (S3 of Fig. 8, col. 9, lines 53-59); receiving a response to said communication, said response including a second program logic (ID Data Output, col. 5, lines 32-43); and driving said peripheral device cooperatively using said first program logic and said second program logic (col. 9, lines 49-65).

Referring to claim 11, Sasaki discloses the method of claim 9, wherein said peripheral device comprises a printer (LP of Fig. 4, col. 5, lines 16-19).

Referring to claim 12, Sasaki discloses the method of claim 9, wherein said host device comprises a computer (PC, col. 5, lines 11-14).

Referring to claim 14, Sasaki discloses an apparatus having a processor for executing instructions to perform a method of dynamically creating a driver, the method comprising: receiving a communication from a host device, said host device including a

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first program logic (S3 of Fig. 8, col. 9, lines 53-59); transmitting a response to said communication, said response including a second program logic (ID Data Output, col. 5, lines 32-43); and cooperatively performing said first program logic and said second program logic to drive said apparatus (col. 9, lines 49-65).

Referring to claim 16, Sasaki discloses the apparatus of claim 14, wherein said apparatus comprises a printer (LP of Fig. 4, col. 5, lines 16-19).

Referring to claim 17, Sasaki discloses the apparatus of claim 14, wherein said host device comprises a computer (PC, col. 5, lines 11-14).

Referring to claim 19, Sasaki discloses the apparatus of claim 14, wherein said second program logic is configured to optimize a rendering process for said apparatus (col. 7-8, lines 65-68, 1-10). Sasaki discloses permitting the operator to select a desired driver, which optimizes the rendering process for the printer.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu U.S. Patent 6,707,568 as applied to claim 1, and in further view of Saito et al. U.S. Patent 6,523,696.

Referring to claim 5, Yu discloses the system of claim 1, but does not disclose expressly a printer including a server module. Saito et al. disclose a printer (printer 211 of Fig. 7) including a server module having a web access mechanism to provide a communication path for said communication (IP Terminal, col. 19, lines 6-26). Yu and Saito et al. are combinable because they are from the same field of printing systems. At the time of the invention, it would have been obvious to incorporate web access into the printer of Yu. The motivation would have been to allow access to the printer from long distances and allow access to the printer from outside a private network. Therefore, it would have been obvious to combine Saito et al. with Yu to obtain the invention as specified in claim 5.

Referring to claim 6, Yu discloses the system of claim 1, but does not disclose expressly a directory server providing an address. Saito et al. disclose a directory server providing an address for said host module to communicate with said server module (AV connection device of Fig. 7, col. 23, lines 36-40, 51-59). Yu and Saito et al. are combinable because they are from the same field of printing systems. At the time of the invention, it would have been obvious to utilize a directory server in the system of Yu. The motivation would have been to direct a computer to the location of a printer. Therefore, it would have been obvious to combine Saito et al. with Yu to obtain the invention as specified in claim 6.

11. Claims 8, 10, 13, 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki U.S. Patent 5,228,118.



Referring to claim 8, Sasaki discloses a computer capable of running various programs (col. 6, lines 46-48) but does not disclose expressly a host module and rendering module capable of using each of a plurality of operating system environments. Official Notice is taken that computers and drivers that are useable on various operating systems is well known in the art.

Referring to claim 10, Sasaki discloses the method of claim 9, but does not disclose expressly acquiring an address for said peripheral device to establish a communication. Official Notice is taken that utilizing an address for a computer to communicate with a printer is well known in the art. A computer needs a location of the printer to connect to which is provided by an address.

Referring to claim 13, Sasaki discloses language interpreters for the printer driver but does not disclose expressly utilizing page description language. Official Notice is taken that creating a PDL file with a printer driver is well known in the art and further that a PDL file is simply an example of a type of language available for printing.

Referring to claim 15, Sasaki discloses the apparatus of claim 14, but does not disclose expressly acquiring an address for said peripheral device to establish a communication. Official Notice is taken that utilizing an address for a computer to communicate with a printer is well known in the art. A computer needs a location of the printer to connect to which is provided by an address.

Referring to claim 18, Sasaki discloses language interpreters for the printer driver but does not disclose expressly utilizing page description language. Official Notice is

taken that creating a PDL file with a printer driver is well known in the art and further that a PDL file is simply an example of a type of language available for printing.

Referring to claim 20, Sasaki discloses a computer capable of running various programs (col. 6, lines 46-48) but does not disclose expressly a host module and rendering module capable of using each of a plurality of operating system environments. Official Notice is taken that computers and drivers that are useable on various operating systems is well known in the art.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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